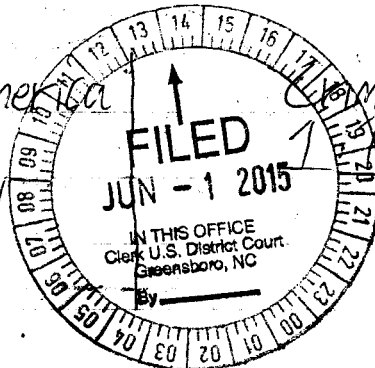


101. IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

Plaintiff, United States of America

v.

Defendant, Brian David Hill



Criminal Action No. 13CR435-1

DECLARATION OF STATEMENTS IN
SUPPORT OF MOTION FOR CASE DISMISSAL

I, Brian D. Hill, on ~~At~~ May 28, 2015, discovered lies or false statements in the PROB 12C Petition for Warrant or Summons for Offender Under Supervision (Filed April 29, 2015). First lie I discovered right off the bat was that I was allegedly accused of "failed to follow her instructions." The truth is her order/instructions was different then what she claimed on record for the summons. The Court shall be told the true story of what happened before the Probable Cause hearing before The Honorable Magistrate Judge Elizabeth Peake.

She claimed she "visited Mr. Hill's residence to address his sending numerous documents to the Court to be filed in his case. The U.S. District Court Clerk's Office had directed Mr. Hill to cease this behavior however, he had not complied." That is a lie or untruthful statement. I missed the first phone call attempt from the Clerk, then when I called the clerk's office she informed me to only file via U.S. mailing and I agreed not to file documents using my cell phone's MMS. Only time I contacted the clerk's office was to correct a mistfiling or filing issue from my mailing and after that Jay Daniels agreed to correct her mistakes.

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Second lie was that "when USPD Burton attempted to address this issue with Mr. Hill he became visibly upset." She had this totally mixed up. When she told me to stop sending documents electronically via Multimedia messaging, I told her I agree and was understanding as the clerk will not accept any filings ^{from cell phone MMS} from me ^{also} doing such has no benefit. I am still permitted to file through mailings. What Burton is not even reporting was that I got upset after she told me in front of my family members Roberta, Stella, and Kenneth a different kind of order, that isn't even a condition on court record. She told me I can no longer text message anybody, not even my private lawyer Cynthia Everson while she's working on the 2255 Motion for my case. She told me I can still mail and make phone calls but not text message anybody even though I committed no crime with SMS/MMS text messaging. Also Probation had originally mandated Radford Counseling as required by the court, NOT Piedmont Community Services as I privately decided to get counseling under my Medicaid for a counselor from Piedmont. She forced herself into my private counseling matters likely in a attempt to meddle with my private counseling. My counselor Kristen Patterson was not helping me at all and took the government's side (bias) so I attempted to seek a new mental health counselor to help me with the mental abuse and anguish caused by the Government. Kristy was controlling what mental counselor I could see at ~~my~~ my Medicaid's expense. Burton is also aware that I have proof ~~of~~ written/taped proof of my confession statements on Aug 29, 2012 were false, then I learned from Radford Counseling that my PD sent them a copy of my typed paper proving my 2012 confession in Mayodon PD to be false.

She also did not mention about me being very apologetic. I sent her a fax and left two voicemails apologizing for cussing at her, then told her that I will no longer text message anybody anymore as she ordered and told her I will follow ~~her~~ her orders, and that what happened will never happen again, I promise. My mother using rblhill67@yahoo.com emailed Kristy also apologizing. Then my grandma typed up a letter to Mr. Burton and showed her proof of my Medicaid waiver then sent copies to Piedmont Community Services, Chief PO Philip Williams, and one to my private lawyer Cynthia Everson. Burton even approved of my faxed "Request to Travel" for visiting my grandad Mercer and step-grandma Kay Mann from Snow Camp, NC. I recall my mother emailing her about traveling on her birthday in May, and she APPROVED it. I also visited Piedmont Comm. Services to attend my appointment with the counselor on . I think around May 20, 2015. Counselor Kristen Patterson can verify that I been attending counseling including in May. Kristen didn't seem too pleased either that Burton is forcing me to go there and meddling with their affairs. Burton's orders and actions are encroaching beyond just my terms and conditions of supervised release.

Also my blood sugar was high at the time of the incident, and I was about to do my Novolog insulin shot, but she showed up out of the blue. I got my insulin after she left. One of the Marshalls told me how he knew someone who lost it due to his blood sugar being sky high so he had to wrestle him to the ground. Burton didn't mention any of this in her summons, of my high blood sugar affecting my need.

If Burton was concerned about safety then why was she accepting my May fax of my monthly Probation report, why take almost a month to have me arrested?? Why even approve of my Request To Travel form for Snow Camp, NC if I am so dangerous? She never asked if my blood sugar was high even though she is fully aware of my medical health issues.

Isn't the Probation Officers supposed to know how to deal with mental health issues and that's why Supervised Release is recommended for people with mental health issues.

I believe Probation is as broken as our legal system not allowing people to prove their legal innocence to their charges.

USPD Burton claiming to "continued to discuss his issue with sending documents to the court" is also not true. She just told me not to MMS (cell phone) digitally send documents to the court. The Clerk never said I cannot mail them as I have a right to file post-conviction relief Motions. Burton is encroaching upon my legal rights to communication with the court by her wording it as if I have no right to file at all with the Clerk. Is it a violation to file my 2255 Motion via Mail? It sounds like it the way she worded her testimony on her the summons.

I declare under penalty that the foregoing is true and correct.
Executed On May 28, 2015.

Brian D. Hill

Signed

Brian David Hill (Pro Se)
Forsyth Co. Detention Center
204 N. Church St.
Winston Salem, NC.

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